

1
2
3
4 JEANETTE BROWN, *et al.*,

5 Plaintiffs,

6 v.

7
8 SONOMA COUNTY LAND COMPANY,
9 *et al.*,

10 Defendants.

11 Case No. 17-cv-00913-RMI related to
12 Case No. 18-cv-02699-RMI

13
14 **ORDER**

15 On May 17, 2022, this matter came on for a Case Management Conference at which the
16 court informed the parties that it would delay issuing the order dismissing the state court claims
17 until after the parties had engaged in a final round of dispute resolution, on the basis that any
18 resolution may save the parties the time and expenses related to any future state court filings.
19 Thus, the court intended to set a timeline for the final mediation, followed by dismissal of the state
20 court claims, and the briefing of attorneys' fees. However, just prior to the conference, Defendants
21 filed a "Status Report," in which they state that they intend to assert their "exemption from certain
22 Americans with Disabilities Act requirements." (Dkt. 103 at 2). The Status Report offers no more
23 explanation regarding how Defendants might be exempted from the ADA and a claim of
24 exemption is certainly not apparent on its face. Moreover, as acknowledged by stand-in counsel,
25 such a claim would likely be decided as a matter of law and subject to motions practice. But the
26 time for such motions has passed. Indeed, Defendants' statement regarding exemptions is
27 inconsistent with the stated position that the "Parties and Counsel agree that all of the 20
28 injunctive and equitable claims of Plaintiffs have been settled. The settlement agreements between
the Parties have been completely performed." (Dkt. 103 at 2). This is no different than other

1 statements made by Defendants in the past.

2 It may be then that Defendants' inclusion of this statement in the report was in error, but
3 stand-in counsel was unsure. In any event, Plaintiffs' counsel correctly identified that any such
4 "exemption" claims would need to be resolved prior to a further settlement conference.

5 Accordingly, it is **ORDERED** that Defendants shall, on or before June 8, 2022, file a
6 notice with the court as to whether they intend to pursue any claims of exemption from the ADA,
7 identify such claims and the bases for them, and in what form they intend to present the claims.

8 **IT IS SO ORDERED.**

9 Dated: May 18, 2022

10
11
12 
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ROBERT M. ILLMAN
United States Magistrate Judge